

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,

Plaintiff,

v.

SAREPTA THERAPEUTICS, INC.,

Defendant.

SAREPTA THERAPEUTICS, INC. and THE
UNIVERSITY OF WESTERN AUSTRALIA,

Defendant/Counter-Plaintiffs,

v.

NIPPON SHINYAKU CO., LTD.
and NS PHARMA, INC.

Plaintiff/Counter-Defendants.

C.A. No. 21-1015 (GBW)

REDACTED- PUBLIC VERSION

**SAREPTA THERAPEUTICS, INC.’S MOTION FOR LEAVE TO FILE A SECOND
AMENDED ANSWER, DEFENSES, AND COUNTERCLAIMS
TO NIPPON SHINYAKU CO., LTD.’S SECOND AMENDED COMPLAINT**

Pursuant to Fed R. Civ. P. 15(a)(2) and 16(b)(4), Counter-Plaintiff/Defendant Sarepta Therapeutics, Inc. (“Sarepta”) hereby moves for leave to file a Second Amended Answer, Defenses, and Counterclaims (“Second Amended Answer and Counterclaims”) to Plaintiff Nippon Shinyaku Co., Ltd.’s (“Nippon Shinyaku”) Second Amended Complaint (D.I. 86) to add a counterclaim and affirmative defense concerning unenforceability due to inequitable conduct. The grounds for this motion are set forth in Sarepta’s opening letter brief in support of its motion, filed concurrently herewith.

A copy of Sarepta's proposed Second Amended Answer and Counterclaims is attached as Exhibit 1, and a blackline version of the proposed Second Amended Answer and Counterclaims indicating the changes from the prior pleading is attached as Exhibit 2.

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/s/ Megan E. Dellinger

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RULE 7.1.1 CERTIFICATE

Pursuant to D. Del. LR 7.1.1, counsel (including Delaware counsel) for Sarepta and Nippon Shinyaku met and conferred by telephone on July 17, 2023. Nippon Shinyaku has stated that it opposes this motion.

/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on July 19, 2023, upon the following in the manner indicated:

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